

NEBRASKA ADMINISTRATIVE CODE

TITLE 29 - DEPARTMENT OF AGRICULTURE, AG PROMOTION AND  
DEVELOPMENT

CHAPTER 1 - AGRICULTURAL OPPORTUNITIES AND VALUE-ADDED  
PARTNERSHIPS REGULATIONS

NUMERICAL TABLE OF CONTENTS

<u>SUBJECT</u>	<u>STATUTORY AUTHORITY</u>	<u>CODE SECTION</u>
Statement of Purpose	§§2-5401 to 2-5412	001
Administration	§§2-5401 to 2-5412	002
Definitions	§§2-5401 to 2-5412	003
Eligible Applicants	§§2-5401 to 2-5412	004
Application Process	§§2-5401 to 2-5412	005
Restrictions	§§2-5401 to 2-5412	006
Evaluation Criteria and Scoring	§§2-5401 to 2-5412	007
Performance Review Process	§§2-5401 to 2-5412	008
Failure to Comply	§§2-5401 to 2-5412	009
Grant Renewal Process	§§2-5401 to 2-5412	010
Annotation	§§2-5401 to 2-5412	011

NEBRASKA ADMINISTRATIVE CODE

TITLE 29 - DEPARTMENT OF AGRICULTURE, AG PROMOTION AND DEVELOPMENT

CHAPTER 1 - AGRICULTURAL OPPORTUNITIES AND VALUE-ADDED PARTNERSHIPS REGULATIONS

ALPHABETICAL TABLE OF CONTENTS

<u>SUBJECT</u>	<u>STATUTORY AUTHORITY</u>	<u>CODE SECTION</u>
Administration	§§2-5401 to 2-5412	002
Annotation	§§2-5401 to 2-5412	011
Application Process	§§2-5401 to 2-5412	005
Definitions	§§2-5401 to 2-5412	003
Eligible Applicants	§§2-5401 to 2-5412	004
Evaluation Criteria and Scoring	§§2-5401 to 2-5412	007
Failure to Comply	§§2-5401 to 2-5412	009
Grant Renewal Process	§§2-5401 to 2-5412	010
Performance Review Process	§§2-5401 to 2-5412	008
Restrictions	§§2-5401 to 2-5412	006
Statement of Purpose	§§2-5401 to 2-5412	001

NEBRASKA ADMINISTRATIVE CODE

TITLE 29 - DEPARTMENT OF AGRICULTURE, AG PROMOTION AND DEVELOPMENT

CHAPTER 1 - AGRICULTURAL OPPORTUNITIES AND VALUE-ADDED PARTNERSHIPS REGULATIONS

001 Statement of Purpose. The purpose of these regulations is to aid in administering the Agricultural Opportunities and Value-Added Partnerships Act, Neb. Rev. Stat. §§2-5401 to 2-5412.

002 Administration. The Agricultural Opportunities and Value-Added Partnerships Act and these regulations shall be administered by the Department of Agriculture, Ag Promotion and Development Division, located in the State Office Building, Fourth Floor, 301 Centennial Mall South, Lincoln, Nebraska. The mailing address is P.O. Box 94947, Lincoln, Nebraska 68509-4947. The telephone number is (402) 471-4876.

003 Definitions. In addition to the terms listed below, the definition of terms found in the Agricultural Opportunities and Value-Added Partnerships Act shall apply to such terms when found in these regulations:

003.01 ACT means the Agricultural Opportunities and Value-Added Partnerships Act.

003.02 APPLICANT means any entity that has submitted an application for consideration to receive grant funds pursuant to the Act.

003.03 DEPARTMENT means the Nebraska Department of Agriculture.

003.04 IN-KIND CONTRIBUTION means the value of services, equipment or labor used in direct support of the proposal.

003.05 MATCHING FUNDS means an amount of funds provided by the applicant. Matching funds shall not be from other grant funding sources or other federal or state programs. Funds can be from sources such as membership dues, revenues, non-governmental donations, or from private sources.

003.06 PROGRAM YEAR shall mean the period of operation of the grant program as specified in the time periods below:

003.06A Program year one beginning January 1, 2001, ending June 30, 2001.

003.06B Program year two beginning July 1, 2001, ending June 30, 2002.

003.06C Program year three beginning July 1, 2002, ending June 30, 2003.

003.07 CALENDAR QUARTER shall mean the following periods:

003.07A January - March.

003.07B April - June.

003.07C July - September.

003.07D October - December.

003.08 PROPOSAL means any activity that is submitted for consideration for grant funds by an applicant pursuant to the Act.

TITLE 29  
CHAPTER 1

003.09 RECIPIENT means any applicant who has been selected to receive grant funds pursuant to the Act.

003.10 SUSTAINABLE means the ability for the project to operate independently of supporting grant funds from any source beyond the proposed length of the project being funded.

004 Eligible Applicants.

004.01 Any entity listed in §2-5406 of the Act is eligible to apply for a grant.

004.02 Applicants must be able to equal a 25% match and meet the other requirements of §2-5408 to participate in the grant program.

004.03 Applicants who are awarded grant funding under this program will not be able to utilize such funding to refinance debt.

004.04 Applicants must be established within Nebraska and have a valid tax identification number or social security number to be eligible under this program.

004.05 Applicants must be located within Nebraska and have Nebraska based ownership.

005 Application Process.

005.01 All applicants for grant funding will be required to submit a fully completed grant application form obtained from the Department, or a form substantially similar to the Department's form. The Department form can be obtained by contacting the Department of Agriculture, as listed in section 002. Application forms will be available from the Department beginning the first business day of December, 2000, through the remainder of the program.

005.02 To be considered, applicants shall complete an application form which includes the following:

005.02A The timetable for completion of the entire proposal for which funding is being requested;

TITLE 29  
CHAPTER 1

005.02B A disclosure document detailing all anticipated contract relationships that will be involved and potential contractors;

005.02C A budget which lists all expected expenses required to execute the proposal as well as all revenues to be generated in support of the proposal;

005.02D A narrative describing the proposal and how the proposal meets the identified purposes of the Act; and,

005.02E Applicants must be able to show on the application that the goals of the submitted proposal are consistent with §2-5404 of the Act, and in the areas set forth in §2-5407 of the Act.

005.03 Applicants must agree to hold the Department and the State of Nebraska harmless from all liability under any contract the applicant has entered into, or intends to enter into, related to the project.

005.04 Applicants will be required to include the name of a contact person and the appropriate address with the initial application. The Department will only communicate with this contact person.

005.05 The Department will accept applications received during a period of 30 days which precedes each calendar quarter during the grant program years. All applications received during this period will be reviewed and applicants will be notified of approval or denial. Applications will be considered only if funds remain for the current program year.

005.06 Applications will be reviewed quarterly and prioritized based on the prescribed selection criteria, as established in 29 NAC 1-007. Such funding will be awarded to the selected eligible applicants.

005.07 No funding under this program will be available until the applicant has signed an agreement with the Department to comply with the terms of the Act and these regulations.

005.08 Applicants choosing to re-apply for the next calendar quarter will have to re-submit an application.

TITLE 29  
CHAPTER 1

005.09 The Department may use discretion in the amount awarded for each eligible application. The decision to fund the entire project or only a portion of the project will be made by the Department.

005.10 If needed, the Department may request additional information from the applicants.

005.11 The Department may reserve funds for distribution in later calendar quarters.

006 Restrictions.

006.01 Grant funds shall not be used for any activity primarily designed to contribute to a single business, enterprise or individual, nor used to subsidize an existing farming or ranching operation.

006.02 Grant funds must be used exclusively for the purposes listed in each proposal.

006.03 Grant funds shall be used solely for the benefit of the project described in the grant proposal.

006.04 A recipient of a grant shall not receive more than one grant in any one program year for the same project.

006.05 Grant funds shall not be used for the administrative expenses restricted by §2-5405(6).

006.06 Grant recipients must not violate any laws or regulations in the course of completing the project.

007 Evaluation Priority Criteria.

007.01 Once the applicant meets the requirements of sections 004, 005, and 006, the application will be reviewed and the Department shall give special consideration for proposals which include the criteria listed in this section.

007.02 Priority will be given to those proposals that satisfy the following criteria:

007.02A The proposal is sustainable beyond the grant funding;

TITLE 29  
CHAPTER 1

007.02B Matching funds, in-kind contributions, or both exceed the minimum 25% match required of the total funds;

007.02C Directness of relationship between grant recipient and an active farming or ranching operation;

007.02D Utilization of Nebraska labor or raw materials;

007.02E The project will be located or generally operated in a rural area; and,

007.02F Projects that make the greatest contribution in increasing the number and quality of self employment opportunities for farming or ranching operations.

008 Performance Review Process.

008.01 All recipients will be required to submit a final report obtained from the Department. Final reports will be obtained from the Department or be completed on forms substantially similar to the Department's form. The Department forms can be obtained by contacting the Department of Agriculture, as listed in section 002. All final reports are due to the Department within 45 days of completion of the project, and not later than 12 months following notification of the award of funding under this program.

008.02 All final reports submitted to the Department at the end of a grant project will include the following:

008.02A A detailed financial report listing all income and expenses relating to the grant project;

008.02B A detailed description of all matching funds and in-kind contributions;

008.02C A description of how the project met the goals and measurable impacts as listed in the grant proposal; and,

008.02D A brief description of future expectations of the project covered by the grant.



TITLE 29  
CHAPTER 1

008.03 The recipient must submit the completed final report on time regardless of any contract provisions or other obligations the recipient may have with others. Any request for an extension must include a revised deadline and be submitted in writing 30 days prior to the original deadline.

008.04 The Department may require any recipient to provide special reports regarding the project.

008.05 The recipient must retain all records related to the project for a period of five years. The recipient must also provide access to all such records in order to allow the Department to perform an audit of the project.

009 Failure to Comply.

009.01 The Department will determine the recipient has failed to comply with the grant program if the recipient misused the funding, failed to fulfill the requirements of the grant, used fraud to obtain or use the grant funds, or has in any other way failed to comply with the Act or these regulations.

009.02 Any recipient found to have failed to comply with the grant program may be subject to repay a portion or all of the grant funds awarded.

009.03 The Department may use any appropriate civil and criminal remedies available if any recipient is found to have failed to comply with the grant program.

010 Grant Renewal Process.

010.01 Grants for projects shall be awarded on a program year basis, but may at the discretion of the Department, be renewed each year for up to three years. Any recipient requesting renewed funding will be required to re-submit an updated application form for each program year.

010.02 Any project found not to be in compliance with the grant program will make the recipient ineligible to receive future grant funding under the program.

011 Annotation. Neb. Rev. Stat. §§2-5401 to 2-5412 (2000 Neb. Laws, LB 1348).